

# State of South Dakota

## EIGHTY-EIGHTH SESSION LEGISLATIVE ASSEMBLY, 2013

249U0469

### SENATE BILL NO. 144

Introduced by: Senator Novstrup (Al) and Representatives Hoffman, Haggar (Don), and Olson (Betty)

1 FOR AN ACT ENTITLED, An Act to revise how municipalities may assess property for  
2 improvements.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 9-43-78 be repealed.

5 ~~—§ 9-43-78. After investigation by the governing body to determine the amount of benefit from~~  
6 ~~construction of the local improvement to the lots and tracts fronting or abutting the~~  
7 ~~improvement, the amount to be assessed against each lot for any local improvement for which~~  
8 ~~special assessments are to be levied may be determined by dividing the total cost of the~~  
9 ~~improvement by the number of feet fronting or abutting the improvement, and the quotient may~~  
10 ~~be assessed per front foot upon the property fronting or abutting the improvement. If any of the~~  
11 ~~property assessed is outside of municipal boundaries, the amount levied and assessed may not~~  
12 ~~be collected unless the property has been annexed into the municipality.~~

13 Section 2. That § 9-43-79 be amended to read as follows:

14 9-43-79. ~~In lieu of the method prescribed in § 9-43-78, the~~ The governing body may provide  
15 by resolution that the costs of the local improvement shall be assessed against all lots and tracts



1 according to the benefits determined by the governing body to accrue to each lot and tract from  
2 the construction of the improvement. In such event the governing body shall make an  
3 investigation and shall determine the amount in which each lot and tract will be specially  
4 benefitted by the construction of the improvement and shall assess against each lot and tract the  
5 amount, not exceeding the special benefit, as is necessary to pay its just portion of the total cost  
6 of the work to be assessed.